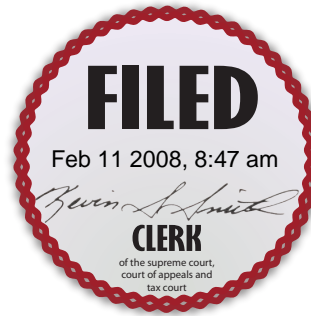


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

MISTY DAWN BOYER,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 82A04-0706-CR-349

APPEAL FROM THE VANDERBURGH SUPERIOR COURT

_____, Judge
The Honorable Terrell R. Maurer, Magistrate
The Honorable Jill R. Marcum, Magistrate
Cause No.82D05-0612-CM-9473

February 11, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

ROBB, Judge

Case Summary and Issue

Following a bench trial, Misty Boyer appeals her conviction of battery, a Class A misdemeanor. The record indicates that on June 6, 2007, the magistrate presiding over the bench trial entered a finding of guilty and ordered a sentence of 180 days, which would be suspended if Boyer successfully completed a domestic abuse intervention program. However, the record does not indicate whether the magistrate's finding received judicial approval in the form of a judgment of conviction. See Ind. Code § 35-38-1-1(a) (“[A]fter a verdict, finding, or plea of guilty, if a new trial is not granted, the court shall enter a judgment of conviction.”); Ind. Crim. Rule 15.1 (“Subject to the provisions set forth by statute, . . . upon a decision of the court, the court shall promptly prepare and sign the judgment, and the clerk shall thereupon enter the judgment in the Record of Judgments and Orders and note the entry of the judgment in the Chronological Case Summary.”). Accordingly, we remand to the trial court for its consideration and instruct the trial court to take action within fifteen days of its receipt of this opinion.

We retain jurisdiction of this appeal pending action by the trial court.

Remanded.

FRIEDLANDER, J., and MATHIAS, J., concur.